

SS SCS HCS HB 429 -- CHILD PLACEMENT

This bill relates to child placement.

ADOPTION TAX CREDIT (Sections 135.325-135.335, 135.800, and 191.975 RSMo)

This bill renames and alters the current "Special Needs Adoption Tax Credit Act" to the "Adoption Tax Credit Act".

Currently, any person residing in this state who proceeds in good faith with the adoption of a special needs child who is a resident or ward of a resident of this state is eligible for a \$10,000 nonrefundable tax credit for nonrecurring adoption expenses for each child. Additionally, any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child is eligible to receive a tax credit of up to \$10,000 for nonrecurring adoption expenses for each child, except that only one \$10,000 credit is available for each special needs child that is adopted.

Beginning January 1, 2022, this bill removes the special needs and residency requirements for adoptions to be eligible for this tax credit. However, priority will be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. The bill changes the definition of "handicap" to "disability" and modifies the definition of "special needs child". The bill defines a "child" as any individual under 18 years old or over 18 but is physically or mentally incapable of caring for themselves.

Beginning with the fiscal year beginning July 1, 2021 this tax credit is capped at \$6 million per tax year.

FOSTER CARE EXPENSE TAX DEDUCTION (Section 143.1170)

For all tax years beginning on January 1, 2022, a taxpayer will be allowed a tax deduction for expenses incurred directly by the taxpayer in providing care as a foster parent to one or more children in this state. The amount of the deduction will be equal to the amount of expenses directly incurred by the taxpayer in providing such care. However, if the taxpayer provides care as a foster parent for at least six months during the tax year, the total amount of the deduction claimed under this bill will not exceed \$5,000 per taxpayer, or \$2,500 per individual if married and filing separately. If the taxpayer provides care as a foster parent for less than six months during the tax year, the maximum deduction limits described will still apply, but the limits will be

reduced on a pro rata basis.

The Department of Revenue will collaborate with the Children's Division of the Department of Social Services in order to establish and implement a procedure to verify that a taxpayer claiming the deduction is a foster parent.

Each taxpayer claiming the deduction must file an affidavit with their income tax return. The affidavit will affirm that they are a foster parent and that they are entitled to the deduction in the amount claimed on their tax return.

#### BIRTH MATCH PROGRAM (Sections 193.075, 210.150 & 210.156)

This bill requires data sharing between the Children's Division within the Department of Social Services and the State Registrar's office to compare birth reports with reports of parents who have been convicted of certain crimes within the previous 10 years or have a termination of parental rights in order to provide services, if needed. The State Registrar shall provide to the Division the birth record information of children born to such individuals. The Division shall then verify the identity of the parent and if that identity is verified, the Division shall provide the appropriate local office with information regarding the birth of the child. Appropriate local Division personnel shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate.

The Division shall document the results of such contact and services provided, if any, in the Division's information system. Identifying information and records created and exchanged under this bill shall be closed records and shall only be used as specified in the bill.

#### CHILD PLACEMENT (Sections 211.447, 453.014, 453.030, 453.040 & 453.070)

Currently, the juvenile officer or the Division must file a petition to terminate parental rights if a court has determined a child to be an abandoned infant and the juvenile officer or the Division has the authority to file a petition to terminate parental rights when a court has determined that an older child has been abandoned. For the purposes of the mandatory filing of a petition to terminate parental rights, this bill changes abandoned infant to abandoned child and changes the age threshold from one year or under to under two years old. For the purposes of the discretionary filing, the bill changes the age of the abandoned child from over one year to two years of age or older.

Under this bill, the court may make a finding that a child has been abandoned if, for a period of 60 days when the child was under one year of age, the parent willfully, substantially, and continuously neglected to provide the child with necessary care and protection; or, if the child is over one year of age, for a period of six months immediately prior to the filing of the petition for termination of parental rights willfully, substantially, and continuously neglected to provide the child with necessary care and protection. The bill also adds additional felonies to the current list of felonies for which a parent, if guilty and the victim was a child, shall lose parental rights and gives the juvenile officer and the Division the discretion to file a petition to terminate parental rights if a child has been in foster care for 15 months out of the previous 22 months.

Currently, persons who are granted with the authority to place minor children for adoption are required to comply with rules and regulations promulgated by the Department of Social Services and the Department of Health and Senior Services for placement. This bill removes the Department of Health and Senior Services and specifies that such persons are required to comply with the rules and regulations promulgated by the Children's Division within the Department of Social Services.

The bill repeals the requirement that adoption legal fees incurred by the birth parent be paid for by the prospective adoptive parents.

Currently, consent to the adoption of a child is not required by the parent of the child if the child is under the age of one and the parent, for at least six months, has neglected to provide the child with necessary care and protection. This bill changes the age from over one year old to three years of age or older

#### CHILD CUSTODY (Section 452.375)

This bill allows the court to award custody to a person related by consanguinity to the child when both parents are deemed unfit and the court is determining third party custody priority.